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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,049	04/05/2000	Brenda Pomerance	BRENDA 5	7218

24259 7590 06/12/2002

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EXAMINER

HAYES, JOHN W

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 06/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,049

Applicant(s)

POMERANCE, BRENDA

Examiner

John W Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 82-84 is/are allowed.
- 6) ☒ Claim(s) 46-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Applicant has canceled claims 1-45 and added new claims 46-84.

Response to Arguments

2. Applicant's arguments filed 05 March 2002 have been fully considered but they are not persuasive.
3. With respect to claim 46, applicant argues that Sloo teaches that the complainer is anonymous, whereas claim 46 requires an identified complainer. Examiner agrees that the identity of the complainer remains anonymous so that members of the public and also the complainees cannot determine the identity of the complainer, however, Sloo teaches a method of identifying the complainer to the system. Sloo teaches that the user enters identifying information when registering a complaint (Col. 4, lines 48-51). Sloo also indicates that the user enters their phone number and e-mail address to identify the user (Col. 4 line 66-Col. 5 line 2). Also, applicant asserts that Sloo merely collects information from a complainer and forwards it to the complaine, rather than providing data previously received from the complaine to a complainer. Examiner submits, however, that these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of receiving data and providing data to the complainer would be performed the same regardless of the type of data or source of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). See the rejection below.
4. With respect to claim 55, applicant asserts that Sloo does not teach including the emotional state of the complainer. Examiner respectfully disagrees and notes that Sloo does teach the use of an automatic decision maker option wherein participant behavior is monitored in certain situations and outcomes over time; and artificial intelligence techniques may be used to predict an outcome based on

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what it has learned about behavior, situations and their outcome (Col. 10, lines 54-67). Sloo also teaches that the system could recommend best actions or behavior given a certain situation involving certain objects based on an aggregate of learned satisfaction data culled from previously monitored activity and would recommend the actions that resulted in the most satisfaction and least complaints. Online Resolution discloses an alternative dispute resolution method conducted online wherein participants fill out a form detailing their grievance and submit it by e-mail. Online Resolution suggests that emotions are a big part of the mediation process. Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include a summary of the emotional state of the complainer in the complaint. Online Resolution provides motivation by indicating that just as body language matters in negotiation, small details make a big difference in online mediation and indicating that feedback has shown that participants prefer polite, formal language (Page 2). Providing the emotional state of the complainer would enable the complainees to get a better understanding of the complainers state of feeling and would enable the complainees to more effectively respond to the complaint.

Applicant further states that there is no motivation in the prior art for having a computer collect emotional information for use by complainees. In response to applicant's argument that there is no suggestion or motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the teaching by Online Resolution that emotions are a big part of the mediation process suggests that if the parties of a dispute were aware of the emotional state of each party, the mediation process would be handled differently

5. With respect to claim 64, applicant argues that Sloo expects the complainer to specify only one course of action to resolve the complaint and the claims indicates that at least two remedies are specified by the complainer. Examiner submits that Sloo teaches wherein the prepared complaint includes an

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indication of a remedy desired by the complainer and could include a monetary value for settlement and certain contract conditions that the complainer would accept to settle the dispute (Col. 4, lines 61-67; Col. 7 line 65-Col. 8 line 5). Sloo does not expressly disclose that the complaint includes at least two remedies desired by the complainer, however, this would have been obvious to one of ordinary skill in the art. Sloo suggests remedies such as monetary values and certain contract conditions that the complainer would accept to settle the dispute suggesting that any number of remedies would be included in the complaint and communicated to the complainee. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include any number of remedies in the complaint and communicate these suggested remedies to the complainee. Sloo provides motivation by indicating that this would give the complainee the option of accepting or refusing the offer in an effort to settle the dispute.

6. With respect to claim 73, applicant asserts that Sloo merely collects information and forwards it to the complainee, rather than reformatting the information into first person language. Examiner has applied a new reference which teaches this aspect. Brownwell teaches that effective communication is essential to the success of professionals and that to be effective communicators, professionals should use the basics such as speaking in a first-person voice. Also, using first person language helps to prevent hostile or tense arguments when attempting to resolve a dispute between parties. Thus, examiner submits that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include preparing complaint statements using first person language to improve the communication between the parties as taught by Brownwell. Brownwell provides motivation by indicating that no other single interpersonal skill is as important to group dynamics, team development or customer service as the ability to communicate effectively and using first person language is one of the basics for communicating effectively.

Drawings

7. The corrected or substitute drawings were received on 05 March 2002. These drawings are approved by the draftsman.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450.

As per **Claims 46 and 50**, Sloo discloses a method of processing a complaint comprising:

- automatically receiving information from a complainer including information identifying the complainer (Col. 1 line 65-Col. 2 line 2; Col. 2, lines 55-60; Col. 3, lines 12-21; Col. 4 line 51-Col. 5 line 2; Col. 12, lines 47-61; Col. 13, lines 50-53)
- automatically providing data to the complainer (Col. 4, lines 45-50; Col. 10, lines 47-53, Col. 11, lines 21-25)
- after providing the data to the complainer, automatically preparing the complaint based on the information received from the complainer (Col. 5, lines 3-11)
- automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint (Col. 5, lines 20-29)
- automatically forwarding the approved complaint to the complaine (Col. 5, lines 37-46).

Sloo does not expressly disclose that the data provided to the complainer is previously received from a complaine or that it relates to a complaint handling policy. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of receiving data and providing data to the complainer would be performed the same regardless of the type of data or source of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ

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401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to receive from a complainee any type of data and providing the data to a complainer because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **Claim 48**, Sloo further discloses wherein the prepared complaint includes an indication of a remedy desired by the complainer and could include a monetary value for settlement and certain contract conditions that the complainer would accept to settle the dispute (Col. 4, lines 61-67; Col. 7 line 65-Col. 8 line 5). Sloo does not expressly disclose that the complaint includes at least two remedies desired by the complainer, however, this would have been obvious to one of ordinary skill in the art. Sloo suggests remedies such as monetary values and certain contract conditions that the complainer would accept to settle the dispute suggesting that any number of remedies would be included in the complaint and communicated to the complainee. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include any number of remedies in the complaint and communicate these suggested remedies to the complainee. Sloo provides motivation by indicating that this would give the complainee the option of accepting or refusing the offer in an effort to settle the dispute.

As per **Claims 52 and 70**, Sloo further discloses providing a response from the complainee to the complainer (Col. 1, lines 57-60; Col. 2, lines 7-12; Col. 6, lines 65-67; Col. 7, lines 58-65).

As per **Claims 53 and 71**, Sloo further discloses automatically preparing a case summary based on the complaint and the response ((Col. 8, lines 33-40; Col. 9, lines 57-63; Col. 10, lines 13-21).

As per **Claims 54 and 72**, Sloo further discloses providing data related to other complaints to the complainer prior to preparing the complaint (Col. 10 line 47-Col. 11 line 36).

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As per **Claim 64**, Sloo discloses a method of processing a complaint comprising:

- automatically receiving information from a complainer including information relating to a problem experienced by the complainer and information identifying the complainer (Col. 1 line 65-Col. 2 line 2; Col. 2, lines 55-60; Col. 3, lines 12-21; Col. 4 line 51-Col. 5 line 2; Col. 12, lines 47-61; Col. 13, lines 50-53)
- automatically receiving indications of a remedy desired by the complainer (Col. 4, lines 61-67; Col. 7 line 65-Col. 8 line 5)
- automatically preparing the complaint based on the information and indications received from the complainer (Col. 5, lines 3-11)
- automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint (Col. 5, lines 20-29)
- automatically forwarding the approved complaint to the complainee (Col. 5, lines 37-46).

Sloo further discloses wherein the prepared complaint includes an indication of a remedy desired by the complainer and could include a monetary value for settlement and certain contract conditions that the complainer would accept to settle the dispute (Col. 4, lines 61-67; Col. 7 line 65-Col. 8 line 5). Sloo does not expressly disclose that the complaint includes at least two remedies desired by the complainer, however, this would have been obvious to one of ordinary skill in the art. Sloo suggests remedies such as monetary values and certain contract conditions that the complainer would accept to settle the dispute suggesting that any number of remedies would be included in the complaint and communicated to the complainee. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include any number of remedies in the complaint and communicate these suggested remedies to the complainee. Sloo provides motivation by indicating that this would give the complainee the option of accepting or refusing the offer in an effort to settle the dispute.

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As per **Claims 65-66**, Sloo discloses providing data to the complainer prior to preparing the complaint (Col. 4, lines 45-50; Col. 10, lines 47-53, Col. 11, lines 21-25), however, does not expressly disclose that the data provided to the complainer is previously received from a complainee or that it relates to a complaint handling policy. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of receiving data and providing data to the complainer would be performed the same regardless of the type of data or source of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to receive from a complainee any type of data and providing the data to a complainer because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

10. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450 in view of "Online Mediation Offered for Resolving E-Commerce Disputes", Press Release, Online Resolution, 23 March 2000 [hereinafter referred to as Online Resolution].

As per **Claims 47 and 67**, Sloo discloses a method of facilitating dispute resolution between a complainer and a complainee and generating a prepared complaint, however, does not specifically teach that the prepared complaint includes the emotional state of the complainer. Sloo does teach the use of an automatic decision maker option wherein participant behavior is monitored in certain situations and outcomes over time; and artificial intelligence techniques may be used to predict an outcome based on what it has learned about behavior, situations and their outcome (Col. 10, lines 54-67). Online Resolution discloses an alternative dispute resolution method conducted online wherein participants fill out a form detailing their grievance and submit it by e-mail. Online Resolution suggests that emotions are a big part of the mediation process. It would have been obvious to one of ordinary skill in the art at the time of

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applicant's invention to modify the method of Sloo and include a summary of the emotional state of the complainer in the complaint. Online Resolution provides motivation by indicating that just as body language matters in negotiation, small details make a big difference in online mediation and indicating that feedback has shown that participants prefer polite, formal language (Page 2). Providing the emotional state of the complainer would enable the complainees to get a better understanding of the complainers state of feeling and would enable the complainees to more effectively respond to the complaint.

As per **Claim 55**, Sloo discloses a method of processing a complaint comprising:

- automatically receiving information from a complainer including information describing the complaint and information identifying the complainer (Col. 1 line 65-Col. 2 line 2; Col. 2, lines 55-60; Col. 3, lines 12-21; Col. 4 line 51-Col. 5 line 2; Col. 12, lines 47-61; Col. 13, lines 50-53)
- automatically preparing the complaint based on the information received from the complainer (Col. 5, lines 3-11)
- automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint (Col. 5, lines 20-29)
- automatically forwarding the approved complaint to the complainees (Col. 5, lines 37-46).

Sloo discloses a method of facilitating dispute resolution between a complainer and a complainees and generating a prepared complaint, however, does not specifically teach that the prepared complaint includes the emotional state of the complainer. Sloo does teach the use of an automatic decision maker option wherein participant behavior is monitored in certain situations and outcomes over time; and artificial intelligence techniques may be used to predict an outcome based on what it has learned about behavior, situations and their outcome (Col. 10, lines 54-67). Online Resolution discloses an alternative dispute resolution method conducted online wherein participants fill out a form detailing their grievance and submit it by e-mail. Online Resolution suggests that emotions are a big part of the mediation process. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention

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to modify the method of Sloo and include a summary of the emotional state of the complainer in the complaint. Online Resolution provides motivation by indicating that just as body language matters in negotiation, small details make a big difference in online mediation and indicating that feedback has shown that participants prefer polite, formal language (Page 2). Providing the emotional state of the complainer would enable the complaine to get a better understanding of the complainers state of feeling and would enable the complaine to more effectively respond to the complaint.

As per Claim 56 and 57, Sloo and Online Resolution fail to expressly disclose that the data provided to the complainer is previously received from a complaine or that it relates to a complaint handling policy. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of receiving data and providing data to the complainer would be performed the same regardless of the type of data or source of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to receive from a complaine or any other source any type of data and providing the data to a complainer because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per Claim 58, Sloo further discloses wherein the prepared complaint includes an indication of a remedy desired by the complainer and could include a monetary value for settlement and certain contract conditions that the complainer would accept to settle the dispute (Col. 4, lines 61-67; Col. 7 line 65-Col. 8 line 5). Sloo does not expressly disclose that the complaint includes at least two remedies desired by the complainer, however, this would have been obvious to one of ordinary skill in the art. Sloo suggests remedies such as monetary values and certain contract conditions that the complainer would accept to settle the dispute suggesting that any number of remedies would be included in the complaint

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and communicated to the complainee. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include any number of remedies in the complaint and communicate these suggested remedies to the complainee. Sloo provides motivation by indicating that this would give the complainee the option of accepting or refusing the offer in an effort to settle the dispute.

As per Claim 61, Sloo further discloses providing a response from the complainee to the complainer (Col. 1, lines 57-60; Col. 2, lines 7-12; Col. 6, lines 65-67; Col. 7, lines 58-65).

As per Claim 62, Sloo further discloses automatically preparing a case summary based on the complaint and the response ((Col. 8, lines 33-40; Col. 9, lines 57-63; Col. 10, lines 13-21).

As per Claim 63, Sloo further discloses providing data related to other complaints to the complainer prior to preparing the complaint (Col. 10 line 47-Col. 11 line 36).

11. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450 in view of Brownwell, Eileen O., "Say it Right".

As per Claims 49 and 68, Sloo discloses a method of preparing and processing a complaint, however, fails to expressly disclose wherein the prepared complaint includes statements in the first person language based on information received from the complainer that was not in first person language. Brownwell discloses that effective communication is essential to the success of professionals and that to be effective communicators, professionals should use the basics such as speaking in a first-person voice. Also, using first person language helps to prevent hostile or tense arguments when attempting to resolve a dispute between parties. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include preparing complaint statements using first person language to improve the communication between the parties as taught by

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Brownwell. Brownwell provides motivation by indicating that no other single interpersonal skill is as important to group dynamics, team development or customer service as the ability to communicate effectively and using first person language is one of the basics for communicating effectively.

As per **Claim 73**, Sloo discloses a method of processing a complaint comprising:

- automatically receiving information from a complainer including information relating to a problem experienced by the complainer and information identifying the complainer (Col. 1 line 65-Col. 2 line 2; Col. 2, lines 55-60; Col. 3, lines 12-21; Col. 4 line 51-Col. 5 line 2; Col. 12, lines 47-61; Col. 13, lines 50-53)
- automatically preparing the complaint based on the information received from the complainer (Col. 5, lines 3-11)
- automatically presenting the prepared complaint to the complainer for approval to generate an approved complaint (Col. 5, lines 20-29)
- automatically forwarding the approved complaint to the complainee (Col. 5, lines 37-46).

Sloo discloses a method of preparing and processing a complaint, however, fails to expressly disclose wherein the prepared complaint includes statements in the first person language based on information received from the complainer that was not in first person language. Brownwell discloses that effective communication is essential to the success of professionals and that to be effective communicators, professionals should use the basics such as speaking in a first-person voice. Also, using first person language helps to prevent hostile or tense arguments when attempting to resolve a dispute between parties. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include preparing complaint statements using first person language to improve the communication between the parties as taught by Brownwell. Brownwell provides motivation by indicating that no other single interpersonal skill is as important to group dynamics, team development or customer service as the ability to communicate effectively and using first person language is one of the basics for communicating effectively.

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As per Claims 74-75, Sloo does not expressly disclose that the data provided to the complainer is previously received from a complaineo or that it relates to a complaint handling policy. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps of receiving data and providing data to the complainer would be performed the same regardless of the type of data or source of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to receive from a complaineo any type of data and providing the data to a complainer because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per Claim 77, Sloo further discloses wherein the prepared complaint includes an indication of a remedy desired by the complainer and could include a monetary value for settlement and certain contract conditions that the complainer would accept to settle the dispute (Col. 4, lines 61-67; Col. 7 line 65-Col. 8 line 5). Sloo does not expressly disclose that the complaint includes at least two remedies desired by the complainer, however, this would have been obvious to one of ordinary skill in the art. Sloo suggests remedies such as monetary values and certain contract conditions that the complainer would accept to settle the dispute suggesting that any number of remedies would be included in the complaint and communicated to the complaineo. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and Brownwell and include any number of remedies in the complaint and communicate these suggested remedies to the complaineo. Sloo provides motivation by indicating that this would give the complaineo the option of accepting or refusing the offer in an effort to settle the dispute.

As per Claim 79, Sloo further discloses providing a response from the complaineo to the complainer (Col. 1, lines 57-60; Col. 2, lines 7-12; Col. 6, lines 65-67; Col. 7, lines 58-65).

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As per Claim 80, Sloo further discloses automatically preparing a case summary based on the complaint and the response ((Col. 8, lines 33-40; Col. 9, lines 57-63; Col. 10, lines 13-21).

As per Claim 81, Sloo further discloses providing data related to other complaints to the complainer prior to preparing the complaint (Col. 10 line 47-Col. 11 line 36).

12. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450 and Brownwell, Eileen O., "Say it Right", as applied to claim 73 above, and further in view of Online Resolution.

As per Claim 76, Sloo and Brownwell disclose all the limitations of claim 73. Sloo discloses a method of facilitating dispute resolution between a complainer and a complaine and generating a prepared complaint, however, does not specifically teach that the prepared complaint includes the emotional state of the complainer. Sloo does teach the use of an automatic decision maker option wherein participant behavior is monitored in certain situations and outcomes over time; and artificial intelligence techniques may be used to predict an outcome based on what it has learned about behavior, situations and their outcome (Col. 10, lines 54-67). Online Resolution discloses an alternative dispute resolution method conducted online wherein participants fill out a form detailing their grievance and submit it by e-mail. Online Resolution suggests that emotions are a big part of the mediation process. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include a summary of the emotional state of the complainer in the complaint. Online Resolution provides motivation by indicating that just as body language matters in negotiation, small details make a big difference in online mediation and indicating that feedback has shown that participants prefer polite, formal language (Page 2). Providing the emotional state of the complainer would enable the complaine to get a better understanding of the complainers state of feeling and would enable the complaine to more effectively respond to the complaint.

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13. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450 and Brownwell, as applied to claim 73 above, and further in view of McFarland, U.S. Patent No. 6,154,753.

As per **Claim 78**, Sloo and Brownwell disclose all the limitations of claim 73 above. Sloo discloses a method for dispute resolution, however, Sloo fails to specifically disclose automatically docketing the complaint for follow-up action. McFarland discloses a method and system for meeting quality standards and a method that enables an organization to carry on its business activities in accordance with quality standards and teaches a method for entering customer complaints into the system (Col. 17, lines 30-57) and wherein the complaint form is saved with an indication of when follow up with the customer is needed (Col. 18, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include the ability to docket the complaint for follow up actions at predetermined times as taught by McFarland. The motivation for doing this would be to ensure that the complaint is resolved or at least responded to within a certain period of time that is appropriate to the complainer or complaine.

14. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450 in view of McFarland, U.S. Patent No. 6,154,753.

As per **Claims 51 and 69**, Sloo discloses a method for dispute resolution, however, Sloo fails to specifically disclose automatically docketing the complaint for follow-up action. McFarland discloses a method and system for meeting quality standards and a method that enables an organization to carry on its business activities in accordance with quality standards and teaches a method for entering customer complaints into the system (Col. 17, lines 30-57) and wherein the complaint form is saved with an indication of when follow up with the customer is needed (Col. 18, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and include the ability to docket the complaint for follow up actions at predetermined times as taught by

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McFarland. The motivation for doing this would be to ensure that the complaint is resolved or at least responded to within a certain period of time that is appropriate to the complainer or complaine.

15. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450 and Online Resolution as applied to claim 55 above and further in view of Brownwell, Eileen O., "Say it Right".

As per Claim 59, Sloo and Online Resolution discloses a method of preparing and processing a complaint as discussed above, however, fail to expressly disclose wherein the prepared complaint includes statements in the first person language based on information received from the complainer that was not in first person language. Brownwell discloses that effective communication is essential to the success of professionals and that to be effective communicators, professionals should use the basics such as speaking in a first-person voice. Also, using first person language helps to prevent hostile or tense arguments when attempting to resolve a dispute between parties. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and Online Resolution and include preparing complaint statements using first person language to improve the communication between the parties as taught by Brownwell. Brownwell provides motivation by indicating that no other single interpersonal skill is as important to group dynamics, team development or customer service as the ability to communicate effectively and using first person language is one of the basics for communicating effectively.

16. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloo, U.S. Patent No. 5,895,450 and Online Resolution as applied to claim 55 above, and further in view of McFarland, U.S. Patent No. 6,154,753.

As per Claim 60, Sloo and Online Resolution disclose a method for dispute resolution, however, the combination of Sloo and Online Resolution fail to specifically disclose automatically docketing the

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complaint for follow-up action. McFarland discloses a method and system for meeting quality standards and a method that enables an organization to carry on its business activities in accordance with quality standards and teaches a method for entering customer complaints into the system (Col. 17, lines 30-57) and wherein the complaint form is saved with an indication of when follow up with the customer is needed (Col. 18, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Sloo and Online Resolution and include the ability to docket the complaint for follow up actions at predetermined times as taught by McFarland. The motivation for doing this would be to ensure that the complaint is resolved or at least responded to within a certain period of time that is appropriate to the complainer or complaine.

Allowable Subject Matter

17. Claims 82-84 are allowable over the prior art of record.

18. The following is a statement of reasons for the indication of allowable subject matter:

As per claim 82, the closest prior art of record (U.S. Patent No. 5,895,450) taken either individually or in combination with other prior art of record fails to teach or suggest automatically detecting that a second complaine indicated that the complaint should be forwarded to the first complaine and automatically initiating a procedure to determine which complaine is responsible for responding to the complaint. Claims 83-84 are dependent upon claim 82 and thus have all the limitations of claim 82 and are allowable for that reason.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hurd discloses a system and method for tracking issues and assigning the issue to the appropriate personnel.
- Burchetta et al disclose a computerized system for automated dispute resolution via the Internet or other communications linkage
- Bereiter et al disclose a method for automated problem resolution and teach rules for determining which group or person should handle the problem.

21. The prior art previously made of record and not relied upon is considered pertinent to applicant's disclosure.

- Thiessen discloses a system with graphical interfaces that are used by each party involved in the negotiation process to input information pertaining to their individual preferences on each issue to be negotiated and the system encourages parties to make a proposal or identify at least one alternative solution to the problem that their party would find acceptable
- Griffeth et al disclose a method wherein an agent generates a proposal acceptable to it and transmits the proposal to another agent. If the receiving agent determines if the proposal is acceptable and if not generates a counterproposal and the process continues until a proposal acceptable to both parties is found
- Rosen discloses a method for electronic merchandise dispute resolution wherein trusted agents are used to resolve disputes

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- Wamsley et al disclose a personal injury claim management system and teach the use of an alternative dispute resolution process when there is difficulty in settling a claim
- Kesel discloses an apparatus for collecting, analyzing and reporting information on goods and services offered for sale to customers by providers
- "SquareTrade Launches New Consumer Protection Tool; First Online Dispute Resolution Pilot on eBay" discloses a structured and unbiased multi-step process to guide disputing parties to a resolution, which is conducted completely online and wherein a mediator is assigned to work with the two parties to develop a fair, agreeable settlement
- Dennehy, "New Online Mediation Service" discloses an online mediation service wherein users visit a web site to fill out a form describing their dispute and the site contacts the other party to see if they are willing to participate in mediation. If both sides agree, a mediator is assigned to help the parties reach an agreement.

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

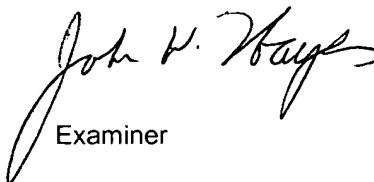
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

The Fax phone number for the **UNOFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 746-5531 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

The Fax phone number for the **OFFICIAL FAX** for the organization where this application or proceeding is assigned is (703) 305-7687 (for formal communications intended for entry including After-Final communications).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

John W. Hayes



Examiner

06 June 2002